

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

T.R.W., a minor; KENNETH W.  
WILCOX; and KIMBERLEY E.  
WILCOX,

Plaintiffs,

v.

STEPHEN J. CHANGALA;  
JAGRUT C. SHAH; YAKIMA  
COUNTY, WASHINGTON; and  
KEVIN IRWIN, in his official  
capacity as Yakima County Sheriff,

Defendants.

NO. CV-10-3048-RHW

**ORDER GRANTING  
DEFENDANTS' MOTION FOR  
LEAVE, *INTER ALIA***

There are several pending motions in this matter. The parties called chambers to inform the Court that they are working on a stipulated protective order. The Court understands this to dispose of all the outstanding discovery motions (ECF Nos. 31, 36, & 43). It therefore denies those motions as moot, with leave to renew if necessary.

The parties also ask the Court to extend their trial date. The Court finds good cause to grant this stipulated request. An amended scheduling order is forthcoming.

Finally, Defendants seek leave to amend their answer to include several state law counterclaims. The Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1337(a), and finds that judicial economy favors granting the motion. Any prejudice

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1 to Plaintiffs is alleviated by the extension of the trial date. Moreover, the substantive  
2 arguments Plaintiffs make in opposition to Defendants' counterclaims are better  
3 brought in a motion to dismiss, where both parties have the opportunity to fully brief  
4 the issues.

**Accordingly, IT IS HEREBY ORDERED:**

1. Defendants' Motion for Leave to Amend (ECF No. 39) is **GRANTED**. Defendants shall file their Amended Answer. Thereafter, Plaintiffs shall file their responsive pleading or motion within the time required by the federal rules.

2. The Stipulated Motion to Amend/Correct the Scheduling Order (ECF No. 48) is **GRANTED**. The Court will file an Amended Scheduling Order.

3. Both parties' pending discovery motions (ECF Nos. 31, 36, & 43) are **DENIED, as moot**. The Court grants leave to renew these motions if necessary.

**IT IS SO ORDERED.** The District Court Executive is hereby directed to enter this order and to furnish copies to counsel.

**DATED** this 13<sup>th</sup> day of September, 2011.

s/Robert H. Whaley  
**ROBERT H. WHALEY**  
United States District Judge

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